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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10

11 BANK OF AMERICA, N.A., a national
 12 banking association,

13 Petitioner,

14 v.

15 MICHELETTI FAMILY PARTNERSHIP, a
 16 California Limited Partnership, ARTHUR
 17 MICHELETTI, an individual, and JANICE
 17 MICHELETTI, an individual,

18 Respondents.

Case No. C 08-2902 JSW

**RESPONDENT ART MICHELETTI'S
 STATEMENT OF NON-OPPOSITION
 TO BANK OF AMERICA'S
 ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED (CIV. L.R. 3-
 12)**

On July 29, 2008, Defendant Bank of America filed an administrative motion to consider whether an action newly-removed by it, *Micheletti v. Bank of America, N.A., et al.*, Case No. CV 08-3557 BZ, should be related to this action.

The two actions have common parties, and relating them will avoid duplication of labor and expense. An order relating cases is therefore appropriate. See Civ. L.R. 3-12(a). Respondent Art Micheletti, Plaintiff in the removed action No. CV 08-3557 BZ, intends to move to remand the removed action on the grounds that complete diversity does not exist, and further contends that federal court is not the proper forum for these matters.

DATED: July 30, 2008

KERR & WAGSTAFFE LLP

Attorneys for Respondents
ARTHUR MICHELETTI, MICHELETTI FAMILY
PARTNERSHIP, and JANICE MICHELETTI